**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929**

**WP(C).No. 12506 of 2007(L)**
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**PETITIONERS:**
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**1. MANILAL C.K., AGED 40 YEARS,**
**S/O LATE KANNUKUTTY, BINDER GRADE I(HIGHER),**
**GOVERNMENT PRESS, KAKKANAD, ERNAKULAM.**
**RESIDING AT CHAKKANTHARA HOUSE, EDAVANAKKAD P.O.,**
**ERNAKULAM-682 502.**

**2. UNNIKRISHNAN O.S.,AGED 38 YEARS,**
**S/O RAMAKRISHNAN, BINDER GRADE I(HIGHER),**
**GOVERNMENT PRESS, KAKKANAD, ERNAKULAM.**
**RESIDING AT KAPPITHAN PARAMPIL,**
**KUNJUVARA THURUTHU, VADAKKUMPURAM P.O.,**
**ERNAKULAM.**

**BY ADV. SRI.V.PHILIP MATHEW**

**RESPONDENTS:**
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**1. THE DIRECTOR OF PRINTING,**
**GOVERNMENT CENTRAL PRESS,**
**THIRUVANANTHAPURAM.**

**2. STATE OF KERALA, REPRESENTED BY**
**SECRETARY, DEPARTMENT OF GENERAL ADMINISTRATION,**
**KERALA GOVERNMENT SECRETARIAT,**
**THIRUVANANTHAPURAM.**

**3. DEPUTY SUPERINTENDENT,**
**GOVERNMENT PRESS, KAKKANAD, ERNAKULAM.**

**4. C.M.KARTHIKA,**
**SENIOR GRADE BINDER, GOVT. PRESS, SHORNUR.**

**5. K.P.PREETHA,**
**SENIOR GRADE BINDER, GOVT. PRESS, SHORNUR.**

**6. M.K.SASI,**
**FIRST GRADE BINDER, GOVT. PRESS, SHORNUR.**

**7. K.K.WILSON, FIRST GRADE BINDER, GOVT. PRESS, SHORNUR.**

**BY GOVERNMENT PLEADER SMT. M.R.SREELATHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C) NO.12506/2007**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE CERTIFICATES ISSUED IN FAVOUR OF THE 1ST PETITIONER STATING ABOUT PHYSICAL DISABILITY.**

**EXT.P2:- COPY OF THE CERTIFICATES ISSUED IN FAVOUR OF THE 2ND PETITIONER STATING ABOUT PHYSICAL DISABILITY.**

**EXT.P3:- COPY OF THE PROCEEDINGS OF THE RESPONDENT DT.7.3.94 BY WHICH PETITIONERS WERE APPOINTED AS BINDERS GRADE II.**

**EXT.P4:- COPY OF THE PROCEEDINGS OF THE RESPONDENT DT.30.12.05 GRANTING HIGHER GRADE TO THE PETITIONERS.**

**EXT.P5:- COPY OF THE PROCEEDINGS OF THE RESPONDENT DT.26.1.06 GRANTING HIGHER GRADE TO THE PETITIONERS.**

**EXT.P6:- COPY OF THE REPRESENTATION SUBMITTED BY 2ND PETITIONER DT.27.2.07.**

**EXT.P7:- COPY OF THE REPRESENTATION DT.8.3.07 SUBMITTED BY 1ST PETITIONER.**

**EXT.P8:- COPY OF THE REPRESENTATION DT.8.3.07 SUBMITTED BY 2ND PETITIONER.**

**EXT.P9:- COPY OF THE JUDGMENT DT. 30.3.07 IN W.P.(C) 11263/07.**

**EXT.P10:- COPY OF THE LETTER DT.30.3.07 ISSUED PETITIONER'S COUNSEL TO 1ST RESPONDENT.**

**EXT.P11:- COPY OF THE POSTAL RECEIPT DT.30.3.07 BY SPEED POST FROM SPEED POST CENTRE, ERNAKULAM.**

**EXT.P12:- COPY OF THE COURIER CONSIGNMENT NOTE OF DTDC COURIER DT.30.3.07.**

**EXT.P13:- COPY OF THE TRANSACTION REPORT WHICH SHOWS THAT THE JUDGMENT WAS FAXED TO SECRETARIAT.**

**EXT.P14:- COPY OF THE ORDER DT.7.4.07 ISSUED BY THE 1ST RESPONDENT IN THE AFTERNOON OF 9.4.07 VIOLATING EXT.P9.**

**EXT.P15:- COPY OF THE ORDER DT.7.4.07 POSTING THE 2ND PETITIONER AT GOVERNMENT CENTRAL PRESS THIRUVANANTHAPURAM.**

**EXT.P16:- COPY OF THE ORDER DT. 7.4.07 POSTING THE 1ST PETITIONER ALSO AT GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM.**

**/TRUE COPY/**

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K.BALAKRISHNAN NAIR, J.

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W.P.(C) NO. 12506 OF 2007-L

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JUDGMENT

The petitioners submit, they are Physically Handicapped persons working under the 1st respondent. They submitted representations claiming retention at Kakkanad even on their promotion. This Court directed to consider their representations before ordering promotions. The petitioners submit, there was some delay in getting the certified copy of the judgment. Though their counsel alerted the 1st respondent regarding the orders passed by this Court, by Ext.P10 and other letters, Ext.P14 order has been passed, transferring them to Shornur. It was followed by Ext.P15, transferring the 2nd petitioner to Thiruvananthapuram. Again Ext.P16 has been passed, transferring the 1st petitioner also to Thiruvananthapuram. All these orders were issued on 7.4.2007. According to the petitioners, they were pre-dated and actually they were passed only on 9.4.2007. Though the petitioners obtained interim orders from this Court against their transfer, ignoring those orders, respondents 4 to 7were permitted to join at Kakkanad, Ernakulam, it is submitted. Under the threat of contempt proceedings, the petitioners were also retained at Kakkanad, Ernakulam with effect from

21.5.2007. The petitioners submit, the impugned orders transferring them are liable to be cancelled for violation of Ext.P9 judgment.

2. Heard the learned Government Pleader for respondents 1 to 3. At present four posts are occupied by six persons. The said situation cannot be allowed to be continued. The 1st respondent is directed to look into the claim of the petitioners for retention at Kakkanad, Ernakulam on merits, having regard to the fact that they are physically handicapped persons, within one month from the date of production of a copy of this judgment. The petitioners and respondents 4 to 7 may file representations before the 1st respondent, setting out their claims within two weeks from today. The petitioners shall produce a copy of this judgment before the 1st respondent within two weeks from today. In that event the retention of the petitioners at Kakkanad pursuant to the interim order of this Court will continue for a period of two months from today or till orders are passed on the claim of the petitioners as directed above, whichever is earlier.

The Writ Petition is disposed of as above.

24th May, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/